

COMMONWEALTH OF KENTUCKY

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BEFORE THE PUBLIC SERVICE COMMISSION

APR 12 2004

PUBLIC SERVICE
COMMISSION

In the Matter of:

KENTUCKY POWER COMPANY)
D/B/A AMERICAN ELECTRIC POWER)

_____)

ALLEGED FAILURE TO COMPLY WITH)
807 KAR 5:041, SECTION 3 AND)
807 KAR 5:006, SECTION 25)

CASE NO. 2004-00049

RESPONSE

Kentucky Power Company d/b/a American Electric Power, in accordance with the March 23, 2004 Order of the Public Service Commission of Kentucky, states in Response to the Electrical Utility Personal Injury Incident Report:

1. In response to the first paragraph of the Section labeled "Incident Description," Kentucky Power states it is without information sufficient to admit or deny the statements contained therein and therefore denies the same. Kentucky Power further states that under its field procedures the drop line would have been promptly isolated at the time service to 209 Amanda Street was terminated in September, 2000.

2. Kentucky Power admits the allegation contained in the first and third sentences of the second paragraph of the Section labeled "Incident Description." With respect to the absence of any records concerning Mr. White's claimed call, Kentucky Power notes that its established procedures should have produced a record if such a call had been made. Kentucky Power is without information sufficient to admit or deny the allegations contained in the second sentence of the second paragraph, except that it

refers the Commission to its field procedures concerning the isolation of removed service drops as set out in paragraph 1 of this Response.

3. Kentucky Power admits the allegations contained in the third paragraph of the Electric Utility Personal Injury Incident Report. Kentucky Power further states that under its established inspection procedures if the drop line had been positioned at the time of the July, 2002 inspection as it was after the contact incident it would have been noted by the inspector and immediate action taken to correct it. Kentucky Power has conferred with the inspector and he has no specific memory of the pole in question but stated that if the line had been located as it was after the accident he would have reported it and seen that it was corrected.

4. Kentucky Power admits the allegations contained in the fourth paragraph of the Electric Utility Personal Injury Incident Report.

5. Kentucky Power is without information sufficient to admit or deny the allegations contained in the sections of the Electric Utility Personal Injury Incident Report entitled "Victim(s)," "Witnesses" and "Information From."

6. Kentucky Power denies the allegations contained in the section of the Electric Utility Personal Injury Incident Report entitled "Probable Violations."

7. Kentucky Power admits so much of the allegations contained in the section of the Electric Utility Personal Injury Incident Report entitled "Line/Equipment Measurements/Clearances" as sets out the height of the drop wire at the time of the inspection by the Public Service Commission. Kentucky Power further states that under footnote 7 to Table 232-1 of the NESC the required clearance is twelve feet.

In response to the numbered paragraphs of the Commission's March 23, 2004 Order in this matter, Kentucky Power states:

1. Kentucky Power is without information sufficient to admit or deny the allegations contained in numbered paragraphs 1 and 2 of the Order and therefore denies the same.

2. Kentucky Power admits the allegations contained in numbered paragraphs 3, 6, and 7 of the Order.

3. Kentucky Power denies the allegations of paragraph 4 of the Order. Kentucky Power further states that it believes pursuant to footnote 7 to Table 232-1 of the NESC the required clearance is twelve feet.

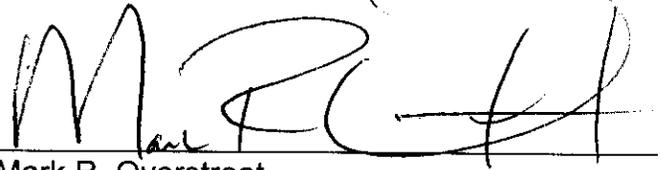
4. Kentucky Power denies the allegations contained in paragraph 5 of the Order and further states that the requirements of NESC Section 21, Rule 214.A.5 pertain only to lines with recorded defects.

5. Kentucky Power denies the allegations of paragraph 8 of the Order.

Wherefore, Kentucky Power Company d/b/a American Electric Power respectfully requests that:

- (1) This proceeding be dismissed with prejudice;
- (2) That an informal conference be scheduled with Commission Staff;

(3) It be granted all further relief to which it may appear entitled.

A handwritten signature in black ink, appearing to read 'Mark R. Overstreet', written over a horizontal line.

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